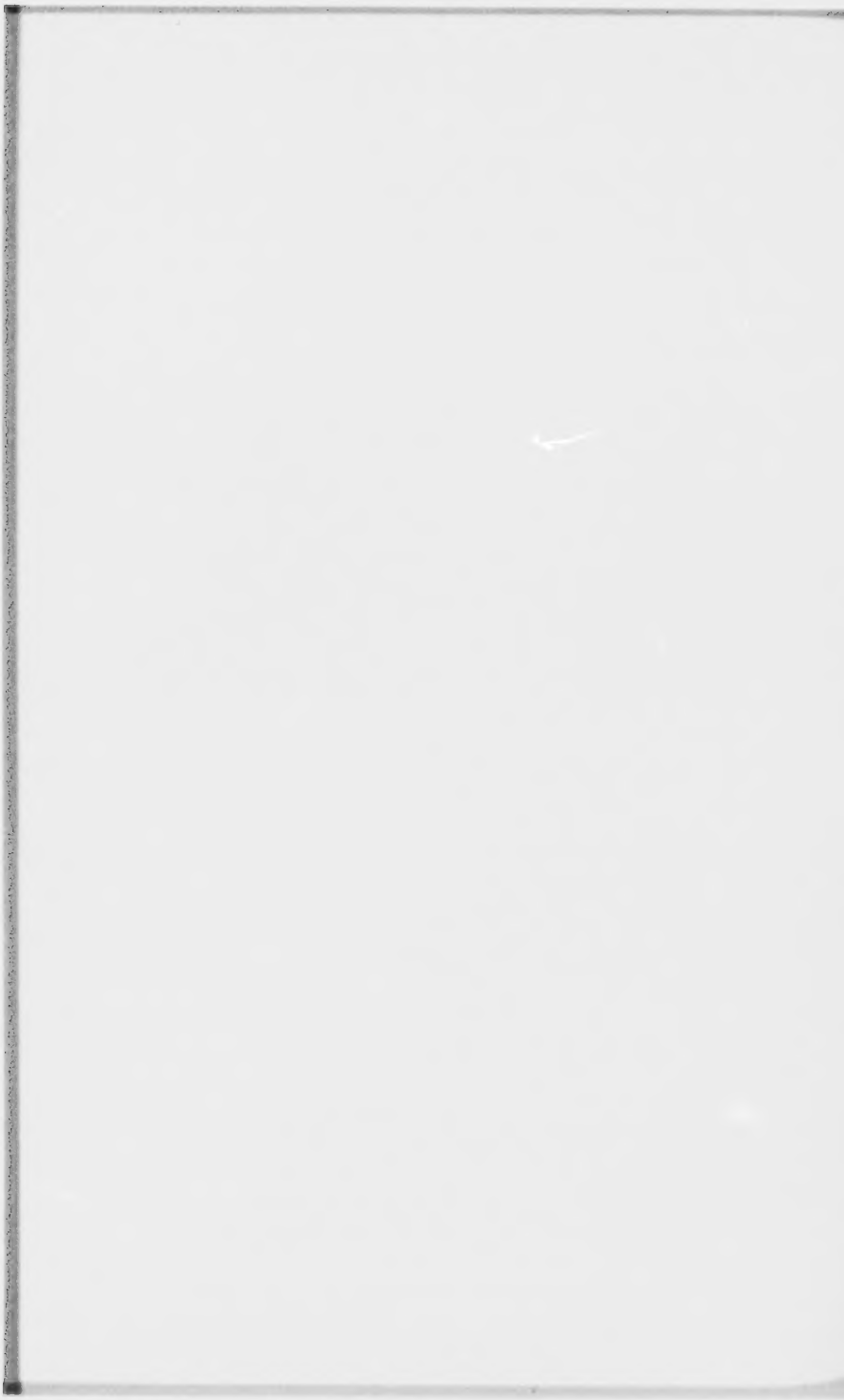

APPENDIX.

COUNTY COURT,

COUNTY OF ROCKLAND.

THE PEOPLE OF THE STATE OF NEW YORK

vs.

HORACE LEE BARTINDALE,

Defendant.

Courthouse, New City, N. Y.
Wednesday, October 4th, 1939.

Before—HON. JOHN A. McKENNA,
County Judge of Rockland County.

HON. GEORGE V. DORSEY,
District Attorney,
For the People,
New City, N. Y.

WILLIAM PICKENS, ESQ.,
Attorney for the Defendant.

The Clerk: The People of the State of New York against Horace Lee Bartindale, Defendant.

Mr. Pickens: For the Defendant. (The Defendant was present in Court.)

The Clerk: Mr. Bartindale, have you any legal cause to show why the judgment of this Court should not be pronounced against you?

The Defendant: No.

The Court: Now, has counsel anything to say in mitigation of the sentence the Court is about to pronounce?

Mr. Pickens: If your Honor please, I simply direct your Honor's attention, first of all to the heretofore clean record of this Defendant which, I think, should be taken into consideration and I think your Honor should give it weight in passing judgment.

Secondly, I wish to reiterate what I felt to be the motivating cause of taking the plea and that is the unpleasant factors in this case and I felt in giving my advice to this Defendant, and when I pointed them out to him he could see the advantage and the necessity, from the point of view of the public here in Rockland County if those facts were released to the press. That was one of the motivating basis of my advice to this Defendant.

I feel that the State and the People will be protected to the granting of this Defendant, if your Honor sees fit to do so, the suspension of the execution of this sentence because then the People will have the advantage of holding the execution of this sentence over his head and I think that the deterrent value of such judgment on the part of this Court would have the effect of double security to the people of Rockland County, the people of this community against a similar occurrence of this nature. In other words, I feel that this Defendant, in view of the fact that should he go wrong again, realizes that not only will he have to pay for that second mis-step, but he will also have to pay for the first mis-step, if your Honor please.

That's all I have to say and I turn the Defendant over to your mercy.

The Court: Horace Lee Bartindale, you have been convicted, by your plea of guilty, of one of the most heinous and degrading crimes known to our Penal Law. I quite concur in what your counsel has said with respect to the indecency in the exposure or in avoiding the necessity of exposure of the sordid details of a crime of this nature, but I cannot agree with him that the society of Rockland County of the State of

New York would be safe from the practices of a man that indulges in this type of crime.

Too often has it left in its wake the waning body or the destroyed life of some human being because as the disease progresses the victim is too often some little child or some man or woman in the walks of life.

I have given your case, as I do every case, the benefit of my own personal investigation. I have consulted various people in this County concerning you and this is not the first time that you have practiced this sordid and most heinous crime. You have been practicing this crime for four, five or six years and if it wasn't for the victim of this last assault you would still be practicing this crime.

Now, I don't want you to feel that because of your color or your religion or anything else—that doesn't mean anything by way of prejudice in the mind of the Court. I would have the same to say if your color was different; if you were a white man I would have the same to say to anyone that practices such a low and reprehensible crime and I don't feel society is safe with such a man at large.

Now, in accepting your plea of guilty I have taken into consideration the saving to the taxpayers of this County by not going through with a trial and the embarrassment attendant to the jury and the public as well in the publicity of such a crime, and the sentence of the Court is that you be sentenced to the New York State Prison at Ossining, New York as a first offender for an indeterminate sentence, the minimum of which shall not be less than five years and the maximum not more than ten years. Now see if you can adjust yourself and reform yourself.

State of New York,
Rockland County Clerk's Office—ss.:

I, HEMAN M. PURDY, Clerk of said County, hereby certify that I have compared the foregoing copy of *Transcript of Stenographer's Minutes, The People of the State of New York* vs. *Horace Lee Bartindale* with the original now *filed Apr. 4, 1940* in said office, and find the same to be a true and correct transcript therefrom and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of said County this 4th day of Oct., 1940.

HEMAN M. PURDY,
Clerk.